



Application for Change/Transfer of Water Right

12 APR -9 A8:59

For filing with the Department of Ecology or with County Conservancy Boards

A NON-REFUNDABLE MINIMUM FEE OF \$50.00 MUST ACCOMPANY THIS APPLICATION IF FILED WITH THE DEPARTMENT OF ECOLOGY

FOR OFFICIAL USE ONLY

DATE APPLICATION RECEIVED 04-09-2012
CHECK NO. 28158 FEE \$ 932.00
DATE ACCEPTED 04-20-2012 BY CS
CHANGE NO. CS4-00477sb11a
COUNTY KITTITAS WRIA 39
SPECIAL AREA _____

SEPA: ☐ EXEMPT ☐ NOT EXEMPT

ECY CODING: 001-002-WR10285-000011

APP NO. _____ PERMIT NO. _____

CERT NO. _____ CERT OF CHG NO. _____

(Check all that apply.)

- ☐ Change purpose(s) of use
☐ Add purpose(s) of use
☐ Change point(s) of diversion/withdrawal
☐ Add point(s) of diversion/withdrawal
☒ Change/transfer place of use
☐ Other (i.e. consolidation, intertie, trust water)

Explain: To permanently change POU of the subject water right, as well as Applicant's other Manastash Creek water rights, under separate applications filed herewith.

****IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)****

☒ I have participated in a pre-application conference with Ecology. Applicant has consulted informally with Ecology Central Region Water Resources staff concerning the instant Application and has worked extensively with staff concerning prior judicial and administrative applications concerning all nine of Applicant's Manastash Creek water rights in connection with the ongoing Manastash Creek Restoration Project.

1. Applicant Information

APPLICANT/BUSINESS NAME Harrell & Sons Farms, LLC	PHONE NO. 509.248.6030	FAX NO. 509.453.6680
ADDRESS c/o Lawrence E. Martin, Esq. and Paul C. Dempsey, Esq. Velikanje Halverson P.C. P.O. Box 22550		
CITY Yakima	STATE WA	ZIP CODE 98907
EMAIL ADDRESS (IF AVAILABLE) lmartin@vhlegal.com pdempsey@vhlegal.com		

LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE Harrell & Sons Farms, LLC	PHONE NO.	FAX NO.
ADDRESS 3121 Hanson Road		
CITY Ellensburg	STATE WA	ZIP CODE 98926
EMAIL ADDRESS (IF AVAILABLE)		

2. Water Right Information

WATER RIGHT OR CLAIM NUMBER Court Claim No. 00477 (June 30, 1871)	RECORDED NAME(S) Harrell & Sons Farms, LLC
DO YOU OWN THE RIGHT TO BE CHANGED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF NO, PROVIDE OWNER(S) NAME and ADDRESS: _____	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Ref: Report of Examination, Department of Ecology Change Authorization CS4-00477CTCL.	

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

3. Point(s) of Diversion/Withdrawal:

54-83515-J @

CS4-00477sb11a

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Manastash Creek (MWDA)		NW	NE	14	17 N.	17 E.	17-17-14010-0011	N/A

B. Proposed

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Same								

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?

EXISTING: ☐ YES ☒ NO PROPOSED: ☐ YES ☒ NO - IF NO, PROVIDE OWNER(S) NAME: Scot M. Reeves, et ux. / Manastash Water Ditch Association

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

4. Purpose of Use:**A. Existing**

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation of 140 acres	3.26 cfs April 1 - June 30; 1.63 cfs March 1 - March 31 and July 1 - October 31	1,098.6	March 1 through October 31

B. Proposed

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Same			

5. Place of Use:**A. Existing**

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:

The W ½ SW ¼, NE ¼ SW ¼ and the SW ¼ NW ¼ of Section 5, T. 17 N., R. 18 E.W.M.

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
	multiple	5	17 N.	18 E.	Kittitas	17-18-05040-0004; 17-18-05020-0001	140

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? ☒ YES ☐ NO
IF NO, PROVIDE OWNER(S) NAME:**B. Proposed**

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:

Within Township 17 N., Range 18 E., WM:

Within Section 5: Gov Lots 3 & 4, and the NE ¼, and the S ½ of the NW ¼, and the N ½ and SW ¼ of the SW ¼ plus that portion of the SE ¼ of the SW ¼ north of Hanson Rd, and the NW ¼ of the SE ¼ and the N ½ of the NE ¼ of the SE ¼ plus that portion of the SW ¼ of the SE ¼ north of Hanson Rd.; and

The SE ¼ of Section 6; and

The NE ¼ NE ¼ NE ¼ of Section 7; and

Within Township 18 N., Range 18 E., WM:

The S ½ SE ¼ of Section 32.

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
	multiple	5	17 N.	18 E.	Kittitas	17-18-05010-0001	698.3
NE	SE	6	17 N.	18 E.	Kittitas	17-18-05020-0001	
NE	NE	7	17 N.	18 E.	Kittitas	17-18-05040-0004	
S ½	SE	32	18 N.	18 E.	Kittitas	17-18-06010-0001	
						17-18-07010-0001	
						18-18-32040-0007	
						18-18-32040-0010	

DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? ☒ YES ☐ NO

IF NO, PROVIDE OWNER(S) NAME:

Attach a detailed map of your proposed change/transfer. The map should show existing and proposed point(s) of diversion/withdrawal, place of use and any other features involved with this application. If platted property, please include a certified copy of the plat map.

054-00477CTC1

Are there any ADDITIONAL WATER rights OR CLAIMS RELATED to the same property as the ONE PROPOSED FOR CHANGE/TRANSFER?

☒ YES ☐ NO – IF YES, PROVIDE THE WATER RIGHT/CLAIM NUMBER(S): Claim No. 00477 (multiple overlapping rights), plus supplemental KRD rights. See *Report of Examination*, Department of Ecology Change Authorization CS4-00477 (“Other Rights Appurtenant to Place of Use,” p. 8.

6. Remarks and Other Relevant Information:

1. Applicant’s POD is the consolidated MDWA diversion on Manastash Creek: 500’ south and 150’ east of the north quarter corner of Section 14, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ S. 14, T. 17 N., R. 17 E.W.M.

2. This Application is being submitted with eight (8) other companion applications to address Applicant’s Manastash Creek irrigation rights under Court Claim Nos. 00657 and 00457, all of which have separately defined, but generally contiguous – and in some cases, partially overlapping – places of use on lands lying north of the Creek and south and east of the mainstem Yakima River. Together, these applications seek permanent recognition and approval of a single, common place of use for all of these rights, consistent with the *Acquavella* Court’s February 9, 2012, Order *Pendente Lite* Re: Temporary Change in Places of Use, a copy of which is attached hereto. The proposed place of use described in Section 5.B. is identical to the exterior boundaries of the (pre-Order) aggregated places of use for all nine water rights. Applicant does not seek to transfer water to any lands that have not already been designated as places of use under at least one of the subject water rights.

IF FOR SEASONAL OR TEMPORARY, START DATE ____/____/____ END DATE ____/____/____

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request. For further information, contact: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477. Phone (360) 570-3265.

7. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I hereby grant staff from the Department of Ecology or the County Conservancy Board access to the above site(s) for inspection and monitoring purposes. If assisted in preparing this above application, I understand that all responsibility for the accuracy of the information rests with me.

Harrell & Sons Farms, LLC, Applicant

Clarence E. Harrell
By Clarence E. Harrell, Manager

3/30/2012
(Date)

Harrell & Sons Farms, LLC, Water Right Holder

Clarence E. Harrell
By Clarence E. Harrell, Manager

3/30/2012
(Date)

Harrell & Sons Farms, LLC, Land Owner – Existing POU

Clarence E. Harrell
By Clarence E. Harrell, Manager

3/30/2012
(Date)

Harrell & Sons Farms, LLC, Land Owner – Proposed POU

Clarence E. Harrell
By Clarence E. Harrell, Manager

3/30/2012
(Date)

*Submit your application to:

DEPARTMENT OF ECOLOGY
CASHIERING SECTION
PO BOX 47611
OLYMPIA, WA 98504-7611

☒ Central Regional Office
15 W Yakima Avenue, Suite 200
Yakima, WA 98902
(509) 575-2490

☐ Eastern Regional Office
4601 N. Monroe Street
Spokane, WA 99205-1295
(509) 329-3400

☐ Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008-5452
(425) 649-7000

☐ Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775
(360) 407-6300

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- ☐ APPLICATION FEE NOT ENCLOSED ☐ MAP NOT INCLUDED or INCOMPLETE
☐ ADDITIONAL SIGNATURES REQUIRED ☐ SECTION _____ IS INCOMPLETE
☐ OTHER/EXPLANATION: _____

STAFF: _____ DATE: ____/____/____